

Application No.: 10/580,930
Filing Date: May 30, 2006

REMARKS

Claim Status

By this amendment claims 1 and 3-6 have been amended. Applicants respectfully submit that the amendments to the claims do not introduce any new subject matter into the application.

Claims restriction under 35 USC § 121 and 372:

Applicants respectfully elect with traverse Group I (claims 1-13 and 24) drawn to compound of formula 1 or composition thereof. Rejoinder of claim 14 and Groups II-IX is respectfully requested upon indication of allowability for Group I. The traversal is set forth below.

Election of species

Applicants respectfully elect with traverse a compound of Formula 1 wherein R¹ is glucopyranosyl, and R², R³ and R⁴ are each independently C₁₋₆alkyl. The traversal is set forth below. Claims 1-13 and 24 read upon the elected species.

Amendments to the claims and traverse

Applicants have amended the pending claims in view of the cited prior art Gafner, et al. The scope of R⁴ in Formula 1 was amended such that it no longer recites hydrogen. Applicants respectfully submit that the present claims are novel in view of the cited prior art since the cited document does not refer to a glycosylated triketide lactone wherein R⁴ is different from hydrogen.

As the amended claims clearly share a special technical feature, withdrawal of the restriction/election of species requirement is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

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application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

In view of the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should there be any questions concerning this application, the Examiner is invited to contact the undersigned agent at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Oct. 7, 2008

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